



Atty. Dkt. No. 074129-0521

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kouhei TOYOOKA et al.
Title: ISOINDOLINE DERIVATIVES
Appl. No.: 10/534,414
International Filing Date: 11/25/2003
371(c) Date: 05/11/2005
Patent No.: 7,521,451
Grant Date: 4/21/2009
Examiner: Noble E. JARRELL
Art Unit: 1624
Confirmation Number: 7101

**SUPPLEMENTAL REQUEST FOR RECONSIDERATION OF DECISION ON
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Supplemental to the Request for Reconsideration of the PTA Decision dated 12/15/2009 (hereinafter "Decision,"), filed by the Applicants on 12/30/2009, Applicants note that the Federal Circuit has issued a decision in *Wyeth v. Kappos*, ***affirming*** the district court decision.

In particular, in *Wyeth v. Kappos*, No. 2009-1120 (Jan. 7, 2010), the Federal Circuit determined that "[b]efore the three-year mark, no 'overlap' can transpire between the A delay and the B delay," and that "[i]f an A delay occurs on one day and a B delay occurs on a different day, those two days do ***not*** 'overlap' under section 154 (b)(2)" (emphasis added).

Applicants have recalculated PTA for the captioned patent under the court's interpretation of the PTA statute, and have determined that the patent is entitled to 764 days PTA, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702(a) and (b), and under 37 CFR §§1.703(a) and (b).

The attached sheet details the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

(a) Total of non-overlapping PTO delay under §154(b)(1)(A) & (B): 787 days

(b) Total Applicant delay: 23 days

Final PTA Determination: 764 days

Applicants therefore respectfully request that the patent be accorded 764 days PTA.

The patent is not subject to a terminal disclaimer.

No additional fees are believed to be required. However, if any additional fees are required, the Commissioner is authorized to make appropriate charges to Deposit Account No. 19-0741 to provide exact payment.

Respectfully submitted,

Date JAN 15 2010

By 

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Docket Number: 074129-0521

Application Number: 10/534414

Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Priority Date	11/26/2002	-897		
Edit Delete	International Filing Date	11/25/2003	-533		
Edit Delete	National Stage Entry (All 371(c) Requirements Met)	05/11/2005	0		
	PCT National Stage Commencement Date	05/11/2005	0		
	14 month From Application date	07/11/2006	426		
Edit Delete	Restriction Requirement	09/26/2007	868	442	
Edit Delete	Restriction Requirement Response Received at PTO	10/26/2007	898		
Edit Delete	Non-Final Office Action	11/23/2007	926		
	Non-Final Office Action + 3 months	02/23/2008	1,018		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	02/25/2008	1,020		2
	3 Year Period Starts	05/11/2008	1,096		
Edit Delete	Final Office Action	05/29/2008	1,114		
	Final Office Action + 3 months	08/29/2008	1,206		
Edit Delete	Final Office Action Response Received at PTO	09/19/2008	1,227		21
Edit Delete	Notice of Allowance	10/06/2008	1,244		
Edit Delete	Issue Fee Paid	12/30/2008	1,329		
Edit Delete	Patent Grant Date	04/21/2009	1,441	345	
	Totals:			787	23
	PTA:			764	

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